

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ALPINE VISTA II HOMEOWNERS
ASSOCIATION, a Nevada Non-Profit
Cooperative Corporation,

Plaintiff,

v.

XIU Y. PAN; BANK OF AMERICA, N.A.;
FEDERAL NATIONAL MORTGAGE
ASSOCIATION; ALL THOSE CLAIMING
AN INTEREST IN 859 NUTMEG PLACE
#21, RENO, NV 89502,

Defendants.

Case No. 3:15-cv-00549-MMD-VPC

ORDER LIFTING STAY

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Counterclaimant,

v.

ALPINE VISTA II HOMEOWNERS
ASSOCIATION; and KYLE KRCH,

Counter-Defendants.

KYLE KRCH,

Cross-Claimant,

v.

ALPINE VISTA II HOMEOWNERS
ASSOCIATION,

Cross-Defendant.

On September 29, 2016 Defendant/Counterclaimant Federal National Mortgage Association ("Fannie Mae") moved for a temporary stay pending the issuance of a

1 mandate for the Ninth Circuit Court of Appeals' decision in *Bourne Valley Court Trust v.*
2 *Wells Fargo Bank, NA*, 832 F.3d 1154 (9th Cir. 2016). (ECF No. 50.) This Court, which
3 issued stays in a number of similar cases on the same grounds, granted the motion and
4 stayed the case. (ECF No. 51.)

5 The stay order provides for the stay to be in effect until the mandate is issued in
6 *Bourne Valley*. The Ninth Circuit issued the mandate on December 14, 2016, after
7 denying a petition for en banc hearing and a petition for a stay pending the resolution of
8 a petition for writ of certiorari. *Bourne Valley Court Trust v. Wells Fargo Bank, NA*, No.
9 15-15233 (9th Cir. Dec. 14, 2016) (mandate). Furthermore, the appellee specifically cited
10 one of this Court's stay orders in its request for a stay of the Ninth Circuit's mandate,
11 arguing that delaying the mandate would promote efficiency. Nevertheless, the Ninth
12 Circuit denied appellee's motion. Thus, *Bourne Valley's* holding is binding precedent
13 unless and until it is reversed, though such finality may not occur for months. Under these
14 circumstances, the Court finds that a continued stay would not promote fairness or
15 "secure the just, speedy, and inexpensive determination" of this case as mandated under
16 Fed. R. Civ. P. 1.

17 It is therefore ordered that the temporary stay is lifted.

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19 DATED THIS 19th day of January 2017.

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22 MIRANDA M. DU
23 UNITED STATES DISTRICT JUDGE
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